

- Sec.
1473. Consultations and determinations respecting creation of hazards to human health, etc.; criteria for determinations respecting grave and imminent dangers of major harmful consequences to United States coastline or related interests.
1474. Federal intervention actions.
1475. Consultation procedure.
1476. Emergencies.
1477. Reasonable measures; considerations.
1478. Personal, flag state, and foreign state considerations.
1479. Federal liability for unreasonable damages.
 (a) Payment of compensation.
 (b) Jurisdiction.
 (c) Burden of proof.
1480. Notification by Secretary of State.
1481. Violations; penalties.
1482. Consultation for nomination and nomination of experts, negotiators, etc.; proposal of amendments to list of substances other than convention oil; Presidential acceptance of amendments.
 (a) Nomination of experts and proposal of amendments to list of substances.
 (b) Consultations for designation or nomination of negotiators, etc., provided for by convention and protocol.
 (c) Presidential acceptance of amendments to list of substances other than convention oil in accordance with protocol.
1483. Foreign government ships; immunity.
1484. Interpretation and administration; other right, duty, privilege, or immunity and other remedy unaffected.
1485. Rules and regulations.
1486. Oil Spill Liability Trust Fund.
1487. Effective date.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2702, 2703, 2704 of this title; title 42 section 9611.

§ 1471. Definitions

As used in this chapter—

(1) “a substance other than convention oil” means those oils, noxious substances, liquefied gases, and radioactive substances—

(A) enumerated in the protocol, or

(B) otherwise determined to be hazardous under section 1473(a) of this title;

(2) “convention” means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, including annexes thereto;

(3) “convention oil” means crude oil, fuel oil, diesel oil, and lubricating oil;

(4) “Secretary” means the Secretary of the department in which the Coast Guard is operating;

(5) “ship” means—

(A) a seagoing vessel of any type whatever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(6) “protocol” means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973, including annexes thereto; and

(7) “United States” means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas, and any other commonwealth, territory, or possession of the United States.

(Pub. L. 93-248, §2, Feb. 5, 1974, 88 Stat. 8; Pub. L. 95-302, §1(1), June 26, 1978, 92 Stat. 344.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in par. (7), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1978—Pub. L. 95-302 in cl. (1) substituted definition of “a substance other than convention oil” for definition of “ship”, in cl. (2) substituted definition of “convention” for definition of “oil”, in cl. (3) substituted definition of “convention oil” for definition of “convention”, in cl. (5) substituted definition of “ship” for definition of “United States”, and added cls. (6) and (7).

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95-302, see section 2 of Pub. L. 95-302, set out as a note under section 1487 of this title.

SHORT TITLE

Section 1 of Pub. L. 93-248 provided: “That this Act [enacting this chapter] may be cited as the ‘Intervention on the High Seas Act’.”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 1472. Grave and imminent danger from oil pollution casualties to coastline or related interests of United States; Federal nonliability for Federal preventive measures on the high seas

Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by convention oil or of the sea or atmosphere by a substance other than convention oil which may reasonably be expected to result in major harmful consequences, the Secretary may, except as provided for in section 1479 of this title, without liability for any damage to the owners or operators of the ship, to her cargo or crew, to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention, the protocol and this chapter, to prevent, mitigate, or eliminate that danger.

(Pub. L. 93-248, §3, Feb. 5, 1974, 88 Stat. 8; Pub. L. 95-302, §1(2), June 26, 1978, 92 Stat. 344.)

AMENDMENTS

1978—Pub. L. 95-302 substituted “convention oil or of the sea or atmosphere by a substance other than con-